

TEMPORARY

Serial No. 59227

APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF NEVADA HERETOFORE APPROPRIATED

SEP 8 - 1993

Date of filing in State Engineer's Office

Returned to applicant for correction

Corrected application filed Map filed AUG 4 - 1993 under 59098

The applicant A. & A. Dairy
3550 Tarzyn Rd. of Fallon
Street and No. or P.O. Box No. City or Town
NV 89406
State and Zip Code No. hereby make application for permission to change the
Point of diversion, Place & Manner of Use of a portion
Point of diversion, manner of use, and/or place of use
of water heretofore appropriated under Permit #53796
Identify existing right by Permit, Certificate, Proof or Claim Nos. If Decreed, give title of Decree and
identify right in Decree.

1. The source of water is UG
Name of stream, lake, underground spring or other source.
2. The amount of water to be changed .1 cfs
Second feet, acre feet. One second foot equals 448.83 gallons per minute.
3. The water to be used for construction
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
4. The water heretofore permitted for Quasi-Municipal/Domestic
Irrigation, power, mining, industrial, etc. If for stock state number and kind of animals.
5. The water is to be diverted at the following point Located within NW $\frac{1}{4}$ SE $\frac{1}{4}$ S 8 T19N R29E
Describe as being within a 40-acre subdivision of public survey and by course and
MDB&M - From a pt. that bears S 66 $^{\circ}$ 20'47"E a distance of 1393.41 feet from
distance to a section corner. If on unsurveyed land, it should be stated.
the center $\frac{1}{4}$ corner of said S 8.
6. The existing permitted point of diversion is located within the NE $\frac{1}{4}$ SE $\frac{1}{4}$ S 35 T19N R28E MDB&M.
If point of diversion is not changed, do not answer.
From a pt. that bears S 14 $^{\circ}$ 59'30"W a distance of 1159.48 feet from the East
 $\frac{1}{4}$ corner of said S 35
7. Proposed place of use W $\frac{1}{2}$ - SW $\frac{1}{4}$ S 9, SE $\frac{1}{4}$, E $\frac{1}{2}$ - SW $\frac{1}{4}$, & the SE $\frac{1}{4}$ - NW $\frac{1}{4}$ of S 8 all
Describe by legal subdivisions. If for irrigation state number of acres to be irrigated.
in T19N R29E MDB&M consisting of approx 360 acs.
8. Existing place of use NE $\frac{1}{4}$ - SE $\frac{1}{4}$ of S 35 T19N, R28E, MDB&M. consisting of approx.
Describe by legal subdivisions. If permit is for irrigation, state number of acres irrigated. If changing place of use and/or
40 acs.
manner of use of irrigation permit, describe acreage to be removed from irrigation.
9. Use will be from Temporary to of each year.
Month and Day Month and Day
10. Use was permitted from to of each year.
Month and Day Month and Day
11. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) Existing Well - See attach Well Logs
State manner in which water is to be diverted, i.e. diversion structure,
ditches, pipes and flumes, or drilled well, etc.
12. Estimated cost of works Completed
13. Estimated time required to construct works Completed

14. Estimated time required to complete the application of water to beneficial use.....temporary

15. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

See attached

Use map under Application 59098

Daniel M. Alegre
By s/ Daniel M. Alegre

Compared.....ab/se ab/se

Protested.....

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This temporary permit to change the point of diversion, place of use and manner of use of a portion of the waters of an underground source as heretofore granted under Permit 53796 is issued subject to the terms and conditions imposed in said Permit 53796 and with the understanding that no other rights on the source will be affected by the change proposed herein. The well shall be equipped with a 2-inch opening and a totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of the water begins or before the proof of completion of work is filed. If the well is flowing, a valve must be installed and maintained to prevent waste. This source is located within an area designated by the State Engineer pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This temporary permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

This temporary permit is granted only for construction purposes. The granting of this permit in no way implies any predetermination as to what action will be taken on Application 59098.

This temporary permit is issued pursuant to the provisions of NRS 533.345 Section 2 and will expire on September 26 , 1994 at which time all rights herein granted shall revert to the right being changed by this temporary permit.

The amount of water to be changed shall be limited to the amount which can be applied to beneficial use, and not to exceed.....0.1.....cubic feet per second, but not to exceed 1.8 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before.....

Proof of completion of work shall be filed before.....

Application of water to beneficial use shall be made on or before.....

Proof of the application of water to beneficial use shall be filed on or before.....

Map in support of proof of beneficial use shall be filed on or before.....

Completion of work filed.....

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No.....Issued.....

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 27th day of September

A.D. 19 93

Christine Thiel
By: Christine Thiel, P.E. State Engineer
Deputy State Engineer

EXPIRED
DATE SEP 26 1994

Applicant is requesting the right to appropriate waters for construction purposes on a temporary basis. The point of diversion is an existing domestic well described in the attached well driller's reports. The well referred to in the reports has historically been used for domestic water and livestock watering by applicant's predecessors in title in support of a dairy and later a beef livestock business.

New applicant has been authorized by local authorities and is in the process of building dairy barn and related facilities on these properties. Water is necessary to complete construction and without the availability of an authorized source of water, applicant will suffer extensive economic hardship and public welfare may suffer for the lack of availability of water for dust suppression. The applicant seeks the appropriation of these waters for construction purposes only and has a pending application for the permanent appropriation of water for the dairy.

The period for which applicant seeks temporary permit is six (6) months or completion of construction, whichever occurs first. Applicant's use on a temporary basis will not exceed ten thousand (10,000) gallons per day and will be limited to construction use and dust suppression exclusively. Applicant has expended in excess of Five Hundred Thousand Dollars (\$500,000.00) on the project at this point and in order to complete the dairy barn to plans and specifications.

plastering must begin before cold weather arrives and it cannot proceed without available water.

This temporary appropriation will not affect any existing underground water supply, so no hardship to any individual or the public can occur by virtue of a temporary appropriation of water in the amount and in the place sought by applicant.